

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHELSEA WILLIAMS and :  
NICHOLAS WILLIAMS, :  
: Plaintiffs,  
v. : 3:13-CV-02945  
: (JUDGE MARIANI)  
BOROUGH OF OLYPHANT, et al., :  
: Defendants.

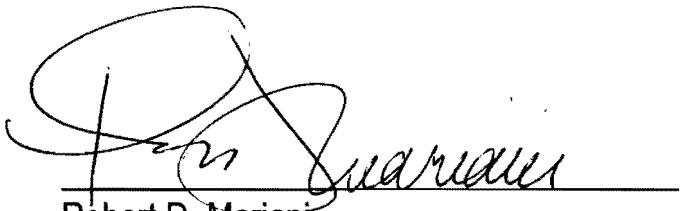
ORDER

AND NOW, THIS 12TH DAY OF FEBRUARY, 2016, upon consideration of  
Defendant Argenta and the Borough of Olyphant's Motion to Dismiss (Doc. 54), IT IS  
HEREBY ORDERED THAT Defendants' Motion (Doc. 54) is GRANTED, to wit:

1. Count IX of the Second Amended Complaint, "Abuse of Process," is DISMISSED  
WITH PREJUDICE with respect to the Borough of Olyphant.
2. Count IX of the Second Amended Complaint, "Abuse of Process," is DISMISSED  
WITHOUT PREJUDICE AND WITH LEAVE TO AMEND to allege a claim for  
malicious prosecution with respect to Defendant Argenta.
  - i. Plaintiffs shall have **SEVEN (7) DAYS** from the date of this Order in  
which to either:
    1. Submit a Third Amended Complaint that cures the defects cited  
in the Memorandum Opinion (Doc. 93) as to Count IX; or

2. File notice that it does not intend to file a Third Amended Complaint, in which case the Second Amended Complaint (Doc. 49), as modified by this Order, will be the operative Complaint.

ii. In the event that Plaintiffs file notice that they will not amend the Complaint, Defendants' obligation to respond to the Second Amended Complaint will begin to run from the date that such notice is provided.



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Robert D. Mariani  
United States District Judge